

REMARKS

Claims 1 and 3-7 remain in the application with claims 1 and 3 having been amended hereby.

Reconsideration is respectfully requested of the rejection of claims 3, 5, and 6 under 35 USC 102(e), as being anticipated by Tsuhako.

As previously explained, the present invention is intended to provide an improved headphone device. In the past, such headphone devices usually operated with the earpad of the headphone main body being pressed against the ear of the user. This stabilizes the headphone device and also supports the headphone device by reason of the pressure of the earpad against the ear. This was uncomfortable, and the present invention serves to overcome this problem by simply positioning the earpad next to or against the ear but not using the force of the earpad against the ear to support the entire headphone device. Rather, the so-called ear device that is attached to the hanger and that has an arm at the end thereof is caused to rest against the upper portion of the ear where the ear is attached to the head. This support of the ear device by the ear in turn supports the entire headphone device on the head of the user and permits the earpad to simply be arranged or positioned against the ear but not requiring any pressure to support the headphone device.

The claims have been amended hereby to emphasize the above-noted features of the present invention.

Tsuhako relates to an improved stereo headset in which the speaker units are angled at the angle of the ear of the

user but in which the speaker units do not contact the ears of the user. Tsuhako has as an object to improve the stereo imaging and thus causes the speakers of the headset to function more like loudspeakers than the transducers of a headphone set.

Fig. 2 of Tsuhako is cited as showing the anticipating structure. Nevertheless, although Fig. 2 shows a headband portion having a U-shaped portion at either end with each U-shaped portion having an anterior arm and a posterior arm, it is clearly seen that the earphones 20' cannot contact or be placed against the ears of the user. This is a feature of the present invention and thus, Tsuhako can not anticipate that claimed structure.

Moreover, Tsuhako is completely silent concerning how these U-shaped portions interact with the ears of the user. All that is stated is that the anterior arm 16' and the posterior 18' fit over the ears of the head of the listener between the pinna and the head on each side. There is no suggestion that the earphones 20' are supported solely by the U-shaped portion resting against the upper portion of the ear as in the present invention. In fact, it is quite likely in the structure of Fig. 2 of Tsuhako that it is the headband portion 12 residing on the top of the head of the user that supports the entire structure. On the other hand, it may be that the U-shaped portions press against the sides of the head of the user in the area of the ears.

Nevertheless, what is clear is that there is no

disclosure of using the ear device of the present invention to support the earpad against the ear of the user as in the presently claimed invention.

Reconsideration is respectfully requested of the rejection of claim 1 under 35 USC 103, as being unpatentable over Tsuhako in view of Pitel.

Tsuhako has been discussed above and is deficient concerning teaching the support of the headphone device by means of the ear device, such that the headphone main body is positioned against the ear of the user at a specific angle of inclination.

Pitel is cited for showing a plastic construction in a headset device. Specifically, Pitel shows the resilient band 12 may be formed of plastic or steel.

Nevertheless, what is recited in claim 1 is that the ear device, shown at 21 in Fig. 1, for example, is formed of plastic. That ear device is what rests against the upper portion of the ear of the user. Pitel does not have any such ear device and, thus, does not cure any deficiencies of Tsuhako relating to such ear device.

Reconsideration is respectfully requested of the rejection of claims 4 and 7 under 35 USC 103, as being unpatentable over Tsuhako in view of Pitel.

Claims 4 and 7 depend from claim 3 which for the reasons set forth hereinabove is thought to be patentably distinct over the cited references and, for at least those very same reasons claims 4 and 7 are also submitted to be patentably distinct thereover.

Accordingly, by reason of the amendments made to the claims hereby, as well as the above remarks, it is respectfully submitted that a headphone device in which an ear device rests against the upper portion of the ear where it joins the head of the user and solely supports the headphone main body against the ear of the user, as taught by the present invention and as recited in the amended claims, is neither shown nor suggested in the cited references, alone or in combination.

Entry of this amendment is earnestly solicited and it is respectfully submitted that this amendment raises no new issues requiring further consideration and/or search, because no new structure has been added and the functioning of inventive structure has been more clearly detailed.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

COOPER & DUNHAM LLP


Jay H. Maioli
Reg. No. 27, 213

JHM:tb